

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**FEDERAL TRADE COMMISSION,**  
Plaintiff,  
v.  
**MATTHEW J. LOEWEN, et al.,**  
Defendants.

Case No. 12-CV-1207 (MJP)

**STIPULATED MOTION TO  
SEAL PERMANENTLY AND  
SUBSTITUTE FOR  
PORTIONS OF FILE**

Plaintiff Federal Trade Commission (“FTC”) and Defendants Matthew J. Loewen, 0803065 B.C. Ltd, 0881046 B.C. Ltd, ReadyPay Services, Inc., and Xavier Processing Services, LLC (“Defendants”) hereby stipulate as follows:

1. On September 4, 2012, the parties filed a Stipulated Motion to Seal and Substitute for Portions of File (Docket No. 31). The reason for the motion was that while the FTC had redacted the vast majority of the sensitive personally identifiable information (PII) from the exhibits filed in support of the FTC's TRO Motion (Docket No. 3), the FTC had inadvertently failed to redact some items of PII in Volume II of the exhibits (Docket No. 5). On September 7, 2012, the Court issued an Order (Docket No. 35) granting the Stipulated Motion, permanently sealing Docket No. 5, and substituting Docket No. 31-1.
2. On September 9, 2012, the parties filed another Stipulated Motion to Seal and Substitute for Portions of File (Docket No. 34). The reason for this motion was

1 that the FTC discovered that it had not redacted two bank account numbers  
2 from the text of an email included in Volume III (Docket Nos. 33, 33-1, 33-2,  
3 33-3, and 33-4) of the exhibits filed on September 7, 2012. On September 10,  
4 2012, Court issued an Order (Docket No. 38) granting the Stipulated Motion,  
5 permanently sealing Docket Nos. 33, 33-1, 33-2, 33-3, and 33-4, and  
6 substituting Docket Nos. 32-2, 32-3, 32-4, 32-5, and 32-6.

7 3. The FTC takes its obligations to protect PII very seriously. As a result of the  
8 inadvertent disclosures, the FTC thought it prudent to review once again all of  
9 the exhibits submitted to the Court for any additional information that should be  
10 redacted.

11 4. As a result of this review, the FTC has identified a limited number of items of  
12 additional PII that are redacted in the attached revised Volumes I, II and III.

13 5. As a result, the FTC respectfully requests that the Court:

14 a. Permanently seal Docket No. 4 and substitute the attached redacted  
15 Volume I of exhibits.

16 b. Permanently seal Docket No. 31-1 and substitute the attached redacted  
17 Volume II of exhibits.

18 c. Permanently seal Docket Nos. 32-2, 32-3, 32-4, 32-5, and 32-6, and  
19 substitute the attached redacted Volume III of exhibits.

20 6. The FTC sincerely regrets, and apologizes to the Court and counsel for, the  
21 errors that have occurred.

22 7. Counsel for the FTC has contacted counsel for Defendants and they agreed  
23 upon the following stipulated motion and the appended stipulated proposed  
24 order.

## MOTION

Plaintiff and Defendants respectfully move for an Order:

1. Permanently sealing Docket No. 4 and substituting the attached Volume I of exhibits in support of the FTC's Motion for a TRO.
2. Permanently sealing Docket No. 31-1 and substituting the attached Volume II of exhibits in support of the FTC's Motion for a TRO.
3. Permanently sealing Docket Nos. 32-2, 32-3, 32-4, 32-5, and 32-6, and substituting the attached Volume III of exhibits.

Dated: September 13, 2012

Respectfully submitted,

s/Richard McKewen

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## **CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing document to which this certificate is attached to be delivered via the Court's ECF electronic filing system to:

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### *Counsel for Defendants*

Dated: September 13, 2012

s/Richard McKewen  
**RICHARD MCKEVEN**